

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 59503

Pamela Ann Swink
Roger Courtright

7703 Eastdale Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on August 12, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312; 13-4-201, failure to remove all junk, trash and debris, failure to store trash in cans with lids on residential property known as 7703 Eastdale Road, 21224.

On July 21, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Buc Thompson issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A civil penalty of \$500.00 (five hundred dollars) was imposed on Respondents on July 24, 2009 pursuant to a Final Order issued June 29, 2009 enforcing a prior Citation. That Citation was issued for failure to remove rat infestation and failure to remove all junk, trash and debris from this residential property. The Final Order included an opportunity to reduce the civil penalty to \$100.00 (one hundred dollars) if the violations were corrected by July 15, 2009. The violations were not corrected, and the full civil penalty was imposed. This Citation was issued on July 21, 2009.

B. Photographs in the file taken July 1, 2009 and August 11, 2009 show cans full of bagged garbage with no lids; and trash, junk and garbage strewn on the ground throughout the rear yard of this row home. This violates prohibitions against improper storage of garbage and the creation of rat harborage. Respondents must properly store garbage in cans with tight fitting lids, and must remove all junk, trash and debris from their yard. As noted in the previous Final Order, review of the file shows this property has required code enforcement activity for similar violations and for rat infestations each year since 2002. An additional civil penalty will be imposed, and re-inspections will continue until the property is in compliance with code requirements. Because compliance is the goal of code enforcement, the civil penalty will be significantly reduced if the violations are corrected within the time provided below. If the violations are not corrected, Respondents will be subject to additional Citations with possible civil penalties.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by September 10, 2009. If the Respondents fail to correct the violations, the full civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17th day of August 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer